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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,923	01/26/2004	Michael L. Harmon	Thoman-3	1922

22118 7590 03/04/2005

LEO H MCCORMICK
2112 MISHAWAKA AVE
P O BOX 4721
SOUTH BEND, IN 46634

EXAMINER

NELSON JR, MILTON

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,923

Applicant(s)

HARMON ET AL.

Examiner

Milton Nelson, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/26/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/26/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

The information referred to in Applicant's information disclosure statement has been considered.

Specification

The specification is objected to because grammatically errors appear throughout. Examples are as follows: In lines 4 to 5 of paragraph 0002, on page 1, note the recitation " were designed to moved from an in-use position". In line 7 of paragraph 0002, on page 1, note the recitation "position the is parallel". In line 10 on page 3, note the recitation "and into an aligned on the first plate". In lines 1 to 2 of paragraph 0005, note the recitation "in a robust locking mechanism for armrest". In lines 1 to 3 of paragraph 0006, note the recitation "attached to a back member the may be rotated and retained in a parallel alignment with a seat rotating the back member". Applicant is reminded that these specific citations are exemplary only. The specification should be revised carefully.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that

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the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because of excessive length.

Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 2 of claim 1 is grammatically vague. Note the recitation "may be selective rotated". In claim 1, it is unclear if Applicant intends to positively claim the combination of an armrest and a seat having a back member, or the subcombination of an armrest for use with a seat having a back member. Line 1 appears to set forth the subcombination. Note the recitation "an armrest for a seat having a seat bottom with a back member". Line 9 appears to set forth the combination. Note the recitation of the armrest housing "being located on said back member". Lines 9-11 appear to set forth the subcombination. Note the recitation of the back member

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pivot pin "extending through said first opening in said first and second side walls" of the armrest housing. Line 13 appears to set forth the subcombination. Note the recitation of a first plate of the armrest "fixed to said first pivot pin". Line 16 appears to set forth the subcombination. Note the recitation of a second plate of the armrest "fixed to said first pivot pin". Clarification is required. In line 20 of claim 1, it is unclear if "said stop" is intended to be the same feature as the previously set forth "first stop". In line 38 of claim 1, "the capability" lacks proper antecedent basis. Claims 2 and 3 are indefinite since each depends from an indefinite claim. Claim 4 has been provided in multiple sentence form. Such renders the claim indefinite. Claim 4 also appears to include redundant recitations. The first and second halves of the claim appear to be identical. In line 2 of claim 5, it is unclear if "a second guide" is intended to be the same feature as the previously set forth "first guide". In line 4 of claim 5, it is unclear if "said second side" is intended to be the same structure as the previously set forth "second side wall". Lines 2 to 3 of claim 6 are grammatically vague. Note the recitation "consists of the entire second plurality of teeth at every desired alignment". Claim 7 is indefinite since it depends from an indefinite claim. Line 2 of claim 8 is grammatically vague. Note the recitation "may be selective rotated". In line 9 of claim 8, it is unclear if Applicant intends to positively claim the back member in combination with the armrest. Note the recitation "said housing being connected to said back member". In line 13 of claim 8, it is unclear if Applicant intends to positively claim the first pivot pin of the back member in combination with the plate of the armrest. In line 13 of claim 8, it is unclear if "said side wall" is intended to be the same feature as the previously set forth first side wall. In line

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33 of claim 8, "the resiliency of said cantilevered beam" lacks proper antecedent basis. In claim 9, it is unclear if "said second side" is intended to be the second side wall. In claim 10, the recitation "essentially consists of the entire second plurality of teeth at every desired alignment" is grammatically vague. Lines 1 to 2 of claim 11 are grammatically vague. Note the recitation "said opening in said opening said second end". Lines 6 to 8 of claim 11 are grammatically vague. Note the recitation "as a result of said ball acting on said first lever permits said second plurality of teeth to be disengaged". Line 2 of claim 12 is grammatically vague. Note the recitation "that may be selective rotated". In line 9 of claim 12, it is unclear if Applicant intends to positively claim the back member in combination with the armrest. In line 13 of claim 12, it is unclear if Applicant intends to positively claim the first pivot pin of the back member in combination with the armrest plate. In line 13 of claim 12, it is unclear which side wall is represented by "said side wall". In claim 12, "the resiliency of said cantilevered beam" lacks proper antecedent basis. Line 2 of claim 13 is grammatically vague. Note the recitation "may be selective rotated". In line 9 of claim 13, it is unclear if Applicant intends to positively claim the back member in combination with the armrest. In line 13 of claim 13, it is unclear which side wall is represented by "said side wall". In claim 13, "the resiliency of said cantilevered beam" lacks proper antecedent basis. Claim 14 is indefinite since it depends from an indefinite claim.

Allowable Subject Matter

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Claims 1-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. An angular adjustable armrest assembly is shown by each of Bradbury (6209960), Kain (6752462), Harder, Jr. (4270798), Waldo et al (5984416), and Bidare (6467847).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Wednesday 5:30-3:00, and alternate Fridays 5:30-3:00.

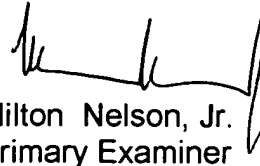
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Milton Nelson, Jr.", with a stylized, cursive script.

Milton Nelson, Jr.
Primary Examiner
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mn

March 2, 2005